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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BASH, ET AL.,  
  
Defendant.

CASE NO. 1:20-CR-00238 JLT SKO  
STIPULATION AND JOINT REQUEST FOR  
PROTECTIVE ORDER; PROTECTIVE ORDER

**STIPULATION**

1. Plaintiff United States of America, by and through its undersigned attorneys of record, and defendants Justin Gray, Brandon Bannick, Kenneth Johnson, Francis Clement, Evan Perkins, Jayson Weaver, and Waylon Pitchford, by and through their respective undersigned attorneys of record (“Defense Counsel”), for the reasons set forth below, hereby stipulate, agree, and jointly request that the Court enter a Protective Order in this case restricting the use and dissemination of certain materials related to the grand jury that the Court has ordered to be produced.

2. On September 6, 2024, the Court ordered that certain grand jury materials be produced to the defense. ECF No. 1289 at 2 (the “Discovery Order”). By the Discovery Order, the Court granted in part, and denied in part, defendant Justin Gray’s Motion for Disclosure of Grand Jury Schedule, Instructions, and Materials, in which six other defendants joined. ECF Nos. 1122 (Gray), 1132 (Bannick), 1135 (Johnson), 1138 (Clement), 1141 (Perkins), 1209 (Weaver), and 1282 (Pitchford).

3. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, Local Rule 141.1, and its general supervisory authority.

4. The Court’s Discovery Order made clear that all names and identifying information contained in the grand jury records was to be redacted before production. ECF No. 1289, at 2.

5. On September 9, 2024, Chief United States District Judge Kimberly J. Mueller issued an Administrative Order granting Gray’s separate Motion for Release, Inspection, and Copying of Grand Jury Selection Records. ECF No. 1125 (Motion); ECF No. 1290 (Administrative Order). That order contained provisions for the protection of the grand jury material it ordered to be produced to the defense. ECF No. 1290, at 10–11.

6. The parties here seek a protective order extending those same, or similar, protections to the grand jury material to be disclosed per the Court’s Discovery Order. The parties therefore request that the Court order the following additional limitations for any grand jury materials produced in compliance with the Discovery Order:

- The materials may be used only in connection with the preparation or litigation of a motion challenging issues arising from the ministerial and procedural grand jury records the Court has ordered to be produced. The materials may not be used in connection with any other case. Nor may they be used for jury selection, at trial or for any other purpose in this case.
- The materials may be used only by counsel or standby counsel, their legal staff, and their retained experts. Defendants shall not review or possess the materials at any time without the court’s prior approval on a detailed showing of good cause. Nor may the materials be carried into or reviewed in any detention facility or the permanent or temporary residence or business of any defendant without this court’s prior approval on a detailed showing of good cause.

- Under 28 U.S.C. § 1867(f), the materials may not be disclosed, shown or distributed in any manner to any third party. “Any person who discloses the contents of any record or paper in violation of” § 1867(f), and, by extension, of this order, “may be fined not more than \$1,000 or imprisoned not more than one year, or both.” *Id.* Violations of this order may also result in sanctions or a finding of contempt.
- Any attorney who accesses the materials is personally responsible not only for personally complying with this order, but also for the attorney’s client’s compliance with this order and for compliance by any expert, contractor, or member of the attorney’s staff.
- At the commencement of jury selection, unless modified by order of the Court, all materials disclosed in response to this order either (a) must be returned to the court, or (b) all counsel, staff and experts must certify in a written notice filed on the docket of this action that the materials have been destroyed and no materials have been retained in any duplicative form.
- If any disclosed materials are later determined to disclose personal identifying information, the party making this determination must immediately notify the court in a written notice filed on the docket of this action. Anyone who has received that material must immediately return, destroy or delete the materials in question and file a written certification of compliance on the docket of this action.

PHILLIP A. TALBERT  
United States Attorney

Dated: September 24, 2024

By: /s/ James R. Conolly  
JAMES R. CONOLLY  
Assistant United States Attorney

Dated: September 24, 2024

By: /s/ TIMOTHY FOLEY  
TIMOTHY FOLEY  
JAMES S. THOMSON  
Counsel for Defendant  
JUSTIN GRAY

Dated: September 24, 2024

By: /s/ AMY E. JACKS  
AMY E. JACKS  
IVETTE A. MANINGO  
Counsel for Defendant  
BRANDON BANNICK

*[Signatures continue on following page.]*

1 Dated: September 24, 2024

2 By: /s/ ANDREA L. LUEM  
3 ANDREA L. LUEM  
4 RYAN VILLA  
Counsel for Defendant  
KENNETH JOHNSON

5 Dated: September 24, 2024

6 By: /s/ JEAN D. BARRETT  
7 JEAN D. BARRETT  
8 JANE BYRIALSEN  
Counsel for Defendant  
FRANCIS CLEMENT

9 Dated: September 24, 2024

10 By: /s/ THERESA DUNCAN  
11 THERESA DUNCAN  
CRISTINA BORDE  
Counsel for Defendant  
EVAN PERKINS

12 Dated: September 24, 2024

13 By: /s/ RANDY SUE POLLOCK  
14 RANDY SUE POLLOCK  
Counsel for Defendant  
JAYSON WEAVER

15 Dated: September 24, 2024

16 By: /s/ EDWARD J. RYMSZA  
17 EDWARD J. RYMSZA  
18 OLIVER LOEWY  
Counsel for Defendant  
WAYLON PITCHFORD

19 **ORDER**

20  
21 IT IS SO ORDERED.

22 Dated: **September 26, 2024**

23 */s/ Sheila K. Oberto*  
24 UNITED STATES MAGISTRATE JUDGE  
25  
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